Government of Kerala
1978

Reg. No. KL/TV/12

162886

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 16th June 1978 / 26th Jyaistha 1900 [No. 396

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4840/LA4/78. *Dated, Trivandrum, 16th June 1978.*

The Kerala Prisoners Bill, 1978 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary, Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1978.

33/1964/MC

Fifth Kerala Legislative Assembly
Bill No. 66

THE KERALA PRISONERS BILL, 1978

A
BILL

to unify the law relating to prisoners confined by order of courts.

Preamble.—WHEREAS it is expedient to unify the law relating to prisoners confined by order of courts;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Kerala Prisoners Act, 1978.

(2) It extends to the whole of the State of Kerala.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

(b) "Inspector-General" means the Inspector General of Prisons;

(c) "prison" includes an open prison and any place which has been declared by the Government, by general or special order, to be a subsidiary jail;

(d) "State" means the State of Kerala.

(2) All references in sections 5 to 9 to "prisons" or to "imprisonment" or "confinement" shall be construed as referring also to reformatories, borstal institutions, certified schools and other institutions of like nature or to detention therein.

3. *Officers in charge of prisons to detain persons duly committed to their custody.*—The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any court, according to the exigency of any writ, warrant or order by which such person has been committed or until such person is discharged or removed in due course of law.

4. *Officers in charge of prisons to return writs, etc. after execution or discharge.*—The officer in charge of a prison shall forthwith after the execution of any writ, order or warrant under section 3, other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the court by which the same was issued

or made, together with a certificate endorsed thereon and signed by him showing how the same has been executed or why the person committed thereby has been discharged from custody before the execution thereof.

5. *Power of Officers in charge of prisons to give effect to sentence of courts.*—Officers in charge of prisons within the State may give effect to any sentence or order or warrant for the detention of any person passed or issued—

(a) by the High Court or by any other court or tribunal acting within the State under the general or special authority of the Government; or

(b) by any other court or tribunal in India if the reception, detention or imprisonment of persons sentenced by any such court or tribunal has been authorised by general or special order of the Government.

6. *Warrant of officer of court or tribunal to be sufficient authority.*—A warrant under the official signature of an officer of any court or tribunal referred to in section 5 shall be sufficient authority for holding any person in confinement in pursuance of the sentence passed upon him.

7. *Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution.*—(1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1) the prisoner shall be detained in such manner, and with such restrictions or mitigations, as may be specified in the warrant or order.

8. *Removal of prisoners from one prison to another.*—(1) The Government may, by general or special order, provide for the removal of prisoners from one prison to another within the State.

(2) Subject to the orders, and under the control, of the Government, the Inspector General may, by order, provide for the removal of prisoners from one prison to another within the State.

(3) Subject to the orders, and under the control, of the Government and the Inspector General, the Collector of a district may, by order, provide for the removal of prisoners from one subsidiary jail to another within the district and he shall inform the Inspector General of all such transfers immediately after the transfers are ordered by him.

9. *Lunatic prisoners how to be dealt with.*—(1) Where it appears to the Government that any person detained or imprisoned under any order or sentence of any court is of unsound mind, the Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the State, there to be kept and treated, as the Government direct during the remainder of the term for which he has been ordered or sentenced to be detained

or imprisoned, or if, on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Government that the prisoner has become of sound mind, the Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The time during which a prisoner is confined in a lunatic asylum under sub-section (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the court to undergo.

(4) In any case in which the Government are competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the State, the Government may order his removal to any such asylum or place within any other State in India or within any Union territory specified in the First Schedule to the Constitution of India, by agreement with the Government of such other State or the Administrator of such Union territory.

10. *Power to make rules.*—(1) The Government may by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. *Repeal.*—The Travancore-Cochin Prisoners Act, 1950 (XVII of 1950) is hereby repealed and the Prisoners Act, 1900 (Central Act 3 of 1900), shall cease to apply to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956).

STATEMENT OF OBJECTS AND REASONS

The law relating to prisoners in the Travancore-Cochin area of the State is contained in the Travancore-Cochin Prisoners Act, 1950 (XVII of 1950), while in the Malabar area, the corresponding law in force is the Prisoners Act, 1900 (Central Act 3 of 1900). It is considered necessary to replace these laws by a single enactment applicable to the whole State.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to empower the Government to make rules to carry out the purposes of the Act. The matters in respect of which rules may be made will only be of a procedural and administrative nature. Further, the rules after they are made shall be subject to scrutiny of the Legislative Assembly. The delegation of legislative power is thus of a normal character.

P. J. JOSEPH

Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 16th June 1978 / 26th Jyaistha 1900 [No. 397

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4918-LA4A/78. *Dated, Trivandrum, 16th June* 1978.

The Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Amendment Bill, 1978 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/1966/MC

Fifth Kerala Legislative Assembly
Bill No. 67

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS CERTAIN CORPORATIONS AND COMPANIES) AMENDMENT BILL, 1978

A

BILL

to amend the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970.

Preamble.—WHEREAS it is expedient to amend the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970, for the purpose hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Amendment Act, 1978.

2. *Amendment of section* 2.—In section 2 of the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 (19 of 1970), in clause (a), the words, figures and brackets "or the Toddy Workers' Welfare Fund Board constituted under section 6 of the Toddy Workers' Welfare Fund Act, 1969 (22 of 1969)" shall be inserted at the end.

STATEMENT OF OBJECTS AND REASONS

Under the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 (19 of 1970), a Corporation or the Board of Directors of a Government Company may consult the Public Service Commission on all matters relating to the methods of recruitment of officers and other employees of that Corporation or Government Company on the principles to be followed in making appointments by direct recruitment of the officers and other employees of that Corporation or Government Company and on the suitability of the candidates for such appointments.

2. The Kerala Toddy Workers' Welfare Fund Board is neither a Corporation nor a Government Company as defined in the said Act. According to sub-section (3) of section 7 of the Kerala Toddy Workers' Welfare Fund

Act, 1969 (22 of 1969) the method of recruitment, salary and allowances, discipline and other conditions of service of the staff appointed by the Board shall be such as may be specified by the Board with the previous approval of the Government.

3. It is considered necessary to amend the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 (19 of 1970), to include the Kerala Toddy Workers' Welfare Fund Board in the definition of the term "Corporation" so as to enable the Board to make appointments to the said Board through the Public Service Commission.

4. The Bill is intended for the above purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

A. K. ANTONY

©
Government of Kerala
1978

Reg. No. [illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Public Works & Electricity (D) Department

DECLARATION

No. 23882/D1/78/PW. *Dated, Trivandrum, 6th June 1978.*

Whereas in exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President has, in his notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to acquisition of lands for the purpose of the Union in this State;

And whereas under sub-section (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.9444 hectare be the same a little more or less, are needed for a public purpose, to wit, for

the formation of Chalakudy Bye-pass a mixing plant N. H. 47 and under section 7 of the Act direct the Deputy Collector (L.A.), Trichur to take order for the acquisition of the lands. Further, under sub-section (1) of section 19 of the Act the Government direct that the Collector may take possession of the land on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of section 9 of the Act,

A plan of the land is kept in the office of the District Collector, Trichur and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് ഒന്നാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യങ്ങൾക്കായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവർത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II നമ്പർ പരസ്യപ്രകാരം കേരളാ ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും,

പ്രസ്തുത ആക്ട് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ആക്ട് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണിച്ചിരിക്കുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 0.9444 ഹെക്റ്റർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്ര തന്നെയോ അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന്, അതായത് ചാലക്കുടി ബൈപാസ് നിർമ്മിക്കുന്നതിനും ഒരു മിക്സിംഗ് പ്ലാന്റ് സ്ഥാപിക്കുന്നതിനും (എൻ. എച്ച്. 47) ന് ആവശ്യമാണെന്ന് ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം ലാന്റ് അക്വിസിഷൻ ഡെപ്യൂട്ടി കളക്റ്റർ തൃശ്ശൂർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്റ്റർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നുംകൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ തൃശ്ശൂർ ജില്ലാ കളക്റ്റർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District.—Trichur.

Taluk.—Mukundapuram. *Village.*—Perambra

(The extent given is approximate)

Serial No.	*Survey Number*	*Description*	*Extent in hectare*
1.	125/10-22	Wet	0.1012
2.	125/12 Full	Wet now dry	0.0537
3.	125/13 Full	do.	0.0384
4.	125/18 Full	Wet	0.0364
5.	126/1-14	do.	0.1300
6.	126/2 Full	Wet now dry	0.0202
7.	126/3 Full	do.	0.0202
8.	126/4 Full	do.	0.0202
9.	126/5 Full	do.	0.0688
10.	126/6 Full	Wet	0.0364
11.	126/7 Full	do.	0.0769
12.	126/8-15	do.	0.1700
13.	126/9-16	do.	0.1245
14.	131/1-3	do.	0.0425
		Total	0.9444

By order of the Governor.

P. V. RAMACHANDRAN NAIR,
Joint Secretary to Government.

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